

## REMARKS

This is intended as a full and complete response to the Office Action dated May 5, 2009, having a shortened statutory period for response set to expire on August 5, 2009.

Claims 1-25 remain pending in the application and are shown above. Claims 2 and 26-38 have been canceled without prejudice. Claims 1, 15 and 21 have been amended to clarify the subject matter. Support for claim amendments can be found on page 5, lines 21-22, and claim 36. No new matter has been introduced. Reconsideration of the rejected claims is requested for reasons presented below.

### *Claim Objections*

Claim 15 is objected as it is missing a period. Claim 15 is also objected for lacking antecedent basis for the limitation "the distance D1." Applicants have amended claim 15, thereby alleviating the objection to claim 15.

### *Claim Rejections under 35 U.S.C. § 112*

Claims 1, 21, and 36 are rejected for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claims 1, 21, and 36 to clarify the subject matter of the invention, thereby alleviating the rejection to claims 1, 21, and 36. Support for claim amendments can be found on page 6, line 27, or page 7, lines 24-25.

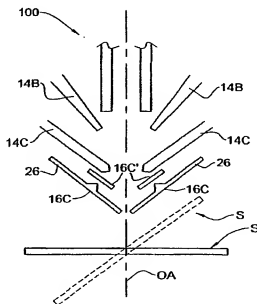
### *Claim Rejections under 35 U.S.C. § 102*

Claims 1-25 and 36 are rejected under 35 U.S.C. § 102(b) as being anticipated over Petrov (US 6,897,442, hereinafter "*Petrov*"). Applicants have amended claims 1, 15, and 21 while canceled claim 36, and respectfully traverse the rejection.

*Petrov* discloses objective lens arrangement for charged particle beam column having a magnetic lens and an electrostatic lens, wherein the electrostatic lens includes

upper and lower electrodes arranged in a spaced-apart coaxial relationship along an optical axis of the lens arrangement. (See Abstract).

To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. (See MPEP 2143.03). Applicants respectfully submit that *Petrov* does not teach, show, suggest, or otherwise render obvious an opening on one side of the correcting electrode, as recited in Applicants' claim 1. The opening of the electrodes in *Petrov* allows for an electron beam to pass but cannot provide space for the specimen to approach the first electrode, which can also be seen in the respective drawings. In addition, the opening 16C' of Figure 1B, as shown below, cannot be compared with the opening on one side of the correcting electrode of the present application, as alleged by the Examiner with respect to claim 36. The opening referred to in claim 1 as amended is placed on the "the cone-like shaped curved surface" and not on the top or the bottom of the cone-like shape.



**Petrov, Fig. 1B**

Since *Petrov* does not teach, show, suggest, or otherwise render obvious "a focussing lens for focussing a charged particle beam onto a specimen at a predetermined landing angle comprising a correcting electrode having a cone-like

shaped curved surface to compensate for landing angle dependent distortions of the focussing electric field, the distortions being caused by the specimen, wherein the cone-like shaped curved surface of the correcting electrode has an opening on one side to provide space for the specimen to approach the first electrode," as recited in Applicants' claim 1, withdrawal of the rejection to claim 1, and claims dependent thereon, is respectfully requested.

Similarly, claim 21 has been amended to include a similar limitation to amended claim 1. Specifically, *Petrov* does not teach, show, suggest, or otherwise render obvious "a charged particle beam device to inspect or structure a specimen at various predetermined landing angles comprising a focussing lens to focus the charged particle beam onto the specimen, the focussing lens comprising at least a first electrode having a first aperture to generate a focussing electric field for focussing the charged particle beam onto the specimen and a correcting electrode having a cone-like shaped curved surface to compensate for landing angle dependent distortions of the focussing electric field, the distortions being caused by the specimen, wherein the cone-like shaped curved surface of the correcting electrode has an opening on one side to provide space for the specimen to approach the first electrode," as recited in Applicants' claim 21. Therefore, withdrawal of the rejection to claim 21, and claims dependent thereon, is respectfully requested.

***Conclusion***

In conclusion, the reference cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

Having addressed all issues set out in the Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,



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